IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4517 OF 2005
IN
C.C.NO.12/SS/2005

Bilkis Hameed Chhapra ..Applicant

Vs.

Ajay Kaul & Anr. ..Respondents

...

Mr.A.A.Mirza Advocate for Applicant
Mr.M.Janardhanan for Respondent no.1
Mr.Rajesh More,A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : AUGUST 17,2005

P.C.

1. Heard the learned advocate for the applicant, the learned advocate for the respondent no.1-original complainant and the learned A.P.P. for the State.

2. The applicant is seeking quashing of process issued by the learned M.M.Railway Mobile Court, Andheri, Mumbai in C.C.No.12/SS/2005. In the said

case process is issued under Section 500 of IPC.

3. However, for the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicant makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks. The learned advocate for the respondent no.1-original complainant fairly states that no objection will be raised in respect of delay in filing revision. The learned advocate for

the complainant further states that one week's advance notice will be given to the respondent no.1-original complainant in respect of moving the revision before the Sessions Court.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]